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Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo

Addendum

Visit to Morocco* **

Summary

The Special Rapporteur on trafficking in persons, especially women and children visited Morocco from 17 to 21 June 2013 at the invitation of the Government. In the present report, she refers to key challenges and issues of concern on trafficking in persons in Morocco. She also underlines the country's resolve to combat trafficking in persons and the steps being taken. The Special Rapporteur makes a number of recommendations to the Government with regard to, inter alia, the creation of a legal and institutional framework to combat trafficking and effective measures on capacity-building, victim identification, data collection, victim support and assistance, and the prosecution of perpetrators.

* The Special Rapporteur also visited Dakhla, Western Sahara, on 20 June 2013. As an independent mandate holder, her visit should not be interpreted as expressing any political view concerning the present or future status of the Non-Self-Governing Territory of Western Sahara. The territory is subject to the right to self-determination in conformity with the principles contained in General Assembly resolutions 1514 (XV) and 1541 (XV).

** The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission and in French only.

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Annex

[English and French only]

Report of the Special Rapporteur on trafficking in persons, especially women and children, on her visit to Morocco

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I. Introduction and methodology

1. The Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, visited Morocco from 17 to 21 June 2013 at the invitation of the Government.

2. During her mission, the Special Rapporteur visited Rabat, Casablanca and Tangier, where she met with officials from the Ministries of Foreign Affairs and Cooperation, Interior, Justice and Liberties, Labour and Vocational Training, Health, Youth and Sports, Tourism, Solidarity, Women, Family and Social Development, the Ministry in charge of Moroccans living abroad and the Inter-Ministerial Delegation for Human Rights, as well as with representatives of the Cassation Court, the General Directorate of National Security, the Royal Gendarmerie, the General Delegation for Penitentiary Administration and Reinsertion, the National Council for Human Rights and regional authorities. She also visited social protection centres and shelters for women and children.

3. The Special Rapporteur wishes to thank the Government for its collaboration in facilitating meetings with officials from the various ministries and departments. She appreciated the openness with which authorities discussed issues relating to trafficking in persons. She also wishes to express her gratitude to the members of the United Nations country team for their assistance and support, and to the different civil society interlocutors that cooperated with her throughout the visit. She hopes that the recommendations made in the present report will support the Government in its efforts to combat trafficking through a human rights-based approach.

4. The Special Rapporteur points out that, owing to a number of factors, such as the lack of collected data on human trafficking, the lack of knowledge and information on this phenomenon among the majority of the interlocutors and the absence of national institutions that deal specifically with the issue of trafficking in persons, many discussions that she held with various State and non-State interlocutors during her visit touched upon issues related to irregular migrants. It should therefore be noted that the present report contains a number of references to the situation of irregular migrants, who are also deemed to be a group at a high risk of trafficking.

II. Main findings

A. Migration trends

5. There is a substantial flow of irregular migrants, most of whom transit through Morocco from sub-Saharan Africa to Europe. According to Moroccan authorities, Morocco is increasingly becoming a destination country, mainly as a result of stricter border controls and entry restrictions to European countries. According to the International Organization for Migration (IOM), Morocco currently hosts some 20,000 irregular migrants. According to the Government, 30,683 irregular migrants were arrested from 2009 to 2011.[1] According to government estimates, about 20,000 irregular migrants attempt to enter Spain each year. According to the Moroccan authorities, few irregular migrants who have decided to stay in Morocco have been successfully integrated. Furthermore, non-governmental interlocutors informed the Special Rapporteur that, in response to rising irregular migration from abroad, an increasingly xenophobic reaction has been noted in the general public towards migrants,

[1] CMW/C/MAR/1, para. 437.

refugees and asylum seekers. The Special Rapporteur was also informed that many Moroccans living abroad had become victims of trafficking.

6. The vast majority of the sub-Saharan migrant population in Morocco comes from West Africa, and includes people who have been forced to flee their country of origin by socioeconomic factors, such as lack of sufficient resources to secure a livelihood and limited employment and economic opportunities. The recruits for trafficking in persons are mainly brought by networks of traffickers. Although migration routes frequently change, most sub-Saharan migrants enter Morocco through Maghnia, a town on the Algerian side of the border, and the town of Oujda in Morocco. Although the number of irregular migrants from sub-Saharan Africa to Oujda had decreased since 2010, an increase has been observed since mid-2012.[2] In some areas of the city of Nador, in Morocco, a considerable number of irregular migrants of different nationalities are controlled by individuals involved in trafficking and waiting for boats or other means of transportation that may take them to Europe. Irregular migration via sea routes has, however, decreased in recent years.

B. Forms and manifestations of trafficking in persons

7. Morocco faces significant challenges as a source, transit and, to a lesser extent (but increasingly) a destination country. According to certain international organizations and national civil society organizations, there has been a significant increase in the number of victims of trafficking in Morocco in recent years. The majority of victims of trafficking and irregular migrants, originating mainly from sub-Saharan Africa, but also from certain South-East Asian countries, are located in the northern part of Morocco. For those in transit, the main destination is Europe, particularly Spain, owing mainly to its geographical proximity. Women and girls are trafficked mainly for sexual exploitation, and men for forced or bonded labour. According to State and non-State interlocutors, the lack of opportunities for education, employment and poverty are the main root causes of the heightened vulnerability of people to human trafficking.

8. Owing to the lack of systematic data collection by public institutions or civil society, the Special Rapporteur was unable to assess the exact number of victims of trafficking. Médecins Sans Frontières has reported that, in the past three years, it had provided basic medical care and psychological assistance to about 700 victims of sexual violence, more than 240 of whom were victims of trafficking. The vast majority of victims suffered from multiple forms of physical violence, psychological and sexual abuse.[3] Moreover, IOM reported that, while in 2011 it had assisted 10 victims of trafficking, in 2012 it had assisted more than 30, and the trend had continued in 2013. From January to May 2013, 28 victims of trafficking presented themselves to the IOM office in Morocco for assistance. During the discussion of the Special Rapporteur with interlocutors, it was noted that the vast majority of victims assisted by IOM were women from Benin City in Nigeria.

1. Trafficking for sexual exploitation

9. According to the information received during the visit from various interlocutors, trafficking in women and girls for sexual exploitation has been increasing in Morocco, and prostitution networks are reportedly exploiting trafficked women and girls. According to the Ministry of Justice, in 2011 there were 164 cases of sexual exploitation of women, of

[2] See Médecins Sans Frontières, "Violences, Vulnérabilité et Migration : Bloqués aux Portes de l'Europe. Un Rapport sur les Migrants Subsahariens en Situation Irrégulière au Maroc", March 2013. Available from www.msf.fr/sites/www.msf.fr/files/informemarruecos2013_fr_0.pdf.

[3] Ibid.

which 89 were prosecuted. The information provided by the Royal Gendarmerie indicated that, in 2012, 20 cases of child pornography and sexual exploitation of children had been reported.

10. The Special Rapporteur received information from civil society interlocutors about the cases of several Congolese and Ivorian women and girls who had become victims of prostitution networks. The town of Tangier, a major tourist destination, is not only a point of transit but also a destination for persons trafficked for sexual exploitation. According to the information received from civil society representatives during the visit, a network of Nigerian traffickers has been operating without interference in the country for almost 10 years.

11. According to the field survey conducted in 2007 by the Observatoire de la communauté marocaine résidant à l'étranger, it is predominantly Moroccan women who are employed abroad, in particular in the United Arab Emirates where the share of Moroccan female employment is around 70 per cent of the total Moroccan expatriates. The authors of the survey noted that, most of the time, the contracts issued did not correspond to the originally agreed upon job duties and that many Moroccan women found themselves trapped in situations of exploitation by prostitution networks.[4] Civil society organizations informed the Special Rapporteur that, since 2002, approximately 2,500 girls had been taken to the Gulf States for sexual exploitation and prostitution. In Rabat and Casablanca, unscrupulous intermediaries reportedly operate actively in search of new recruits for their clients in the Gulf States.

2. Trafficking for labour exploitation

12. It was reported that male victims of trafficking were subjected to forced or bonded labour, especially around the town of Oujda. According to civil society representatives, in 2012 there were several cases of Nigerian men trafficked for debt bondage in the Oujda area. Employers force victims to work for long hours and extremely low wages. Owing to their fear of losing their job and being deported, and the lack of access to assistance and protection, most of the victims prefer not to report their situation.

13. According to the authorities, the Labour Code contains important provisions that prohibit all forms of labour exploitation, especially of children. According to article 143 of the Code, children under 15 years of age are prohibited from working. Labour inspectors monitor the exploitation of children and may receive claims on cases of non-payment of salaries. Irregular migrants are especially vulnerable to labour exploitation. For instance, labour inspectors are often not able to intervene in cases of domestic workers who may have been trafficked for labour exploitation. The Ministry of Labour informed the Special Rapporteur about its plan to establish hotlines for domestic workers, and expressed its willingness to work more closely with the media on sensitization programmes.

14. Civil society interlocutors reported that many irregular migrant women from sub-Saharan Africa and South-east Asia, especially from the Philippines, receive extremely low wages, often equivalent to about 15 per cent of the minimum wage, and that their documents are confiscated by employers and traffickers.

15. The Ministry of Labour indicated that Moroccan nationals who emigrate through non-officially registered recruitment agencies are exposed to the risk of exploitation by trafficking networks. The Ministry has made targeted efforts by running specific

[4] Observatoire de la Communauté des marocains Résidant à l'Etranger, *Marocains de l'extérieur 2007* (Rabat, Fondation Hassan II pour les Marocains Résidant à l'Etranger, 325,2007). Available from www.fh2mre.ma/telechargement/publications/Marocains_de_l-exterieur_2007.pdf.

programmes to sensitize people about the risks associated with obtaining intermediary services of illegal recruitment and intermediation agencies and individuals that may lead to trafficking.

3. Domestic workers

16. According to the reports received from civil society organizations and victims of trafficking, foreign domestic workers, mainly from the Philippines, are brought to Morocco deceived that they are being taken elsewhere. The Special Rapporteur was informed by civil society interlocutors that some young women and girls from Côte d'Ivoire and Senegal were trafficked to Morocco and forced to do domestic work. According to the National Human Rights Council, there is a growing number of foreign domestic workers, a significant proportion of whom is exposed to the risk of being trafficked by unlicensed agents and unscrupulous brokers. Most trafficked domestic workers are not paid, and those who are paid receive a tiny fraction of the wages promised. Their passports are seized, and payment is demanded for their return. The Special Rapporteur was also informed about the existence of a criminal network specialized in the trafficking of domestic workers from the Philippines to Morocco, and that the majority of domestic workers from the Philippines were subjected to verbal and psychological abuse, exploitation and physical and sexual harassment. One victim of trafficking from the Philippines with whom the Special Rapporteur spoke stated that she worked as a domestic worker, was paid very low wages and lacked the means to pay for health services.

4. Child trafficking

17. According to various interlocutors, although children in Morocco remain at a high risk of being trafficked, no extensive study had yet been conducted on the extent of child trafficking. The Special Rapporteur met with one child, aged 14, from Cameroun, who had been brought to Morocco by unrelated people with the initial intention of transiting to Europe, and later intercepted by law enforcement officials. This case demonstrates the vulnerability of children to trafficking.

18. The Special Rapporteur recognizes the efforts made by the Government to reduce the vulnerability of children to trafficking by establishing children protection centres. The Ministry of Labour informed her that it had taken measures to reduce the vulnerability of children to trafficking by addressing the school drop-out rate and increasing opportunities for vocational training. Although labour inspectors report, in accordance with their working procedures, all identified cases of child labour to prosecutors' offices, it was recognized that there was a need to speed up this process.

19. Children are at risk of trafficking for labour exploitation. According to official statistics, in 2012, 92,000 children aged between 7 and 15 years were working.[5] The number of children working is on the decline. Comprehensive data on children working as domestic workers are, however, not available. Civil society representatives expressed their concern about the substantial number of children working, and underlined the importance of raising the minimum age of work to 15 years and imposing necessary sanctions in cases of breach of this requirement by employers.

20. According to the judicial authorities, Morocco has not recorded any case of child trafficking in recent years. Some 11 cases of child trafficking (mainly trafficking of infants) were reported between 1978 and 1985. In more recent years, a significant number of cases of child abduction has been reported, although not necessarily for the purpose of human

[5] Enquête national sur l'emploi, Haut commissariat au plan (Direction de la Statistique), 2012.

trafficking. Almost all of such cases were related to disputes between spouses over child custody. According to the Ministry of Justice, in 2011, 130 cases of child exploitation for begging and 11 cases of sexual exploitation of children were reported.

5. Other forms of trafficking in persons

21. The Special Rapporteur was informed that Morocco does not have any officially recorded cases of trafficking in persons for the purpose of removal and sale of organs. She was also informed about the existence of intermediaries who actively look for human organs for sale, and that often such cases are disguised as organ donation. Some interlocutors pointed out, however, that strict laws and procedures are in place for organ donation and transplantation, according to which a donor must obtain authorization from the President of a court or a nominated judge, in presence of two medical practitioners nominated by the national commission for medical practitioners.

C. Legislative, policy and institutional framework

1. Legislative framework

22. Morocco is a State party to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to a number of key international human rights instruments, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others, the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Worst Forms of Child Labour Convention, 1999 (No. 182), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

23. The new Constitution of Morocco, adopted by referendum on 1 July 2011, has further strengthened the framework for the promotion of human rights and non-discrimination. The Constitution recognizes the supremacy of ratified international legal instruments over domestic legislation. During the visit, interlocutors pointed out that, while the Constitution contains important provisions on human rights, they needed to be put into practice through coherent policies and capacity-building measures. According to the authorities, a a large number of workshops had recently been organized to review all existing laws in the light of the new Constitution. In June 2013, a national forum was held on the reform of the justice system under the new Constitution, which was attended by representatives of political parties, legislative and judicial experts, lawyers, police and gendarmerie officials. The authorities stated that the ongoing legislative reform provided a new opportunity to upgrade the judicial system and to adopt a specific law on trafficking in persons.

24. The Special Rapporteur noted the lack of an adequate legal framework for addressing trafficking in persons. There is no specific definition of trafficking in persons in the existing legislation. Despite the existence of relevant provisions relating to trafficking, such as in the Penal Code, the Immigration Law, Law No. 02-03 on Stay of Foreigners, the Labour Law and the Law on the Removal of Organs, significant gaps remain. The authorities reported that there had been a discussion on whether the country should adopt a specific law on trafficking in persons or make amendments to the Penal Code to include different types of trafficking-related criminal acts and violations, such as trafficking for organ removal and sale, or for labour or sexual exploitation. At the outcome of the

discussion, it was decided that the existing Penal Code would be amended to incorporate specific provisions on trafficking in persons.

25. The Special Rapporteur was informed that the Government had taken steps to introduce specific amendments on trafficking in persons to the Penal Code and to approve the bills on domestic workers and on violence against women. She was also informed that the draft amendment on trafficking to the Penal Code would be submitted to Parliament in 2013, and that it was expected to be in effect by 2015. According to the Ministry of Justice, the highlights of the proposed amendment included a definition on trafficking based on article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; sanctions of between 15 and 30 years of imprisonment when the victims of trafficking are children, women and elderly; and the confiscation of assets used for trafficking in persons. Interlocutors from civil society organizations suggested that legislation on trafficking in persons should include a gender-based approach.

26. Title II of Act No. 02-03 on criminal provisions relating to irregular emigration and immigration (arts. 50–56) addresses partially the issue of combating human trafficking. In cases where irregular migration is organized or facilitated on a regular basis or by members of criminal groups or networks, the penalty of 15 to 20 years of imprisonment is imposed when those transported to or from Moroccan territory suffer permanent incapacitation, and life imprisonment in the event of death of those transported for illegal migration.

27. The employment of foreign workers is regulated by Chapter V of the Labour Code, article 516 of which requires employers wishing to employ foreign workers to obtain authorization from the relevant Government departments responsible for labour issues. The authorization must be stamped on the employment contract. Pursuant to article 521 of the Labour Code, any employer who does not obtain the necessary authorization or who employs a foreign national who does not possess such authorization, who employs a foreign national whose contract is not in line with the model provided in article 517 of the Labour Code or who violates articles 518 and 519 is subject to a fine of between DH 2,000 and DH 5,000 (approximately $540 to $1,360).

28. The authorities informed the Special Rapporteur that, in May 2013, the Government approved a bill on domestic workers, which was expected to be adopted by the end of 2013 by the Parliament. According to the Ministry of Labour, the bill contains important provisions on the minimum wage, leave and insurance for domestic workers. The authorities added that, pursuant to the provisions of article 2 of the social security code, a draft decree defining the application of social security benefits to domestic workers was being considered at the time of the Special Rapporteur's visit. According to the Ministry of Justice, courts review cases related to violations of labour law regardless of the origin, nationality and citizenship of affected persons.

29. The Special Rapporteur was informed that articles 20 and 21 of the Family Law and article 475 of the Penal Code had been amended to prohibit child marriage.

30. Law No. 02-03 on Migration incriminates people with irregular migrant status. The authorities, however, explained that, in practice, people with irregular migrant status are detained only when they breach the law and commit criminal activities. Morocco had developed a policy of voluntary return for irregular migrants, conducted within the framework of cooperation between the Ministry of the Interior and IOM under a memorandum of understanding signed in July 2007.

31. The authorities informed the Special Rapporteur that strict regulations were in place to control organ removal. The Ministry of Health had prohibited kidney transplant in private clinics to prevent trafficking for the purpose of the sale or removal of organs. In the case of both living and dead donors, organs should be given only to family members, while

couples have to have been married for at least one year. In the case of foreigners, the proof of family or marital relationships must be provided. Removal of organs may be carried out only in five authorized medical institutions. In the case of the removal of organs, donors must go to court and sign a declaration of consent. For those who are not in a condition to decide or to give consent, the consent of family members is sought. Law No. 1698 of 1999 on donor of organs was being reviewed at the time of the visit.

2. Policy framework

32. The Special Rapporteur found that Morocco lacks an integrated and coherent anti-trafficking policy framework. The National Council for Human Rights (CNDH) informed her that it was working on a draft national plan of action on democracy and human rights, which would include specific reference to trafficking in persons, and that the draft plan had been elaborated through a participatory process.

33. Civil society interlocutors emphasized the need for a national strategy on migration, human smuggling and trafficking, and for a national campaign on awareness-raising on trafficking in persons.

3. Institutional framework

34. The Inter-Ministerial Delegation for Human Rights, established in April 2011, is a government body in charge of developing and implementing policies on the protection and promotion of human rights. The Delegation also contributes to the development of a dialogue and cooperation between the authorities and national human rights organizations, and the strengthening of the Government's dialogue and partnership with relevant regional and international human rights mechanisms and organizations. The Inter-Ministerial Commission on Human Trafficking was established by the Inter-Ministerial Delegation for Human Rights. The Commission coordinates policy issues relating to trafficking in persons. It consists of representatives of relevant government bodies dealing with normative and operational issues, such as the monitoring of human trafficking and prosecution, the protection of victims and cooperation at the international and regional levels.

35. The Ministry of the Interior and relevant agencies under its responsibility focus on coordinating operational issues, such as dismantling trafficking networks, providing assistance to victims and cooperating with other countries on these issues. Between 2004 and 2011, the Directorate-General of National Security and the Royal Gendarmerie dismantled 2,702 human trafficking and smuggling networks.[6]

36. The authorities informed the Special Rapporteur that, in addition to its obligation to dismantle criminal networks on trafficking in persons, the Moroccan police pay attention to the protection of victims, the prevention of incrimination of victims of trafficking and the training of police and immigration officers on issues of human trafficking. The Royal Gendarmerie is tasked with the prevention of offences, and also acts as a criminal police force, disposing of the means to investigate and arrest those involved in trafficking networks. The Royal Gendarmerie informed the Special Rapporteur that, in the past five years, it had conducted mixed border patrols with the Spanish judicial police.

37. The Directorate of Migration and Border Surveillance of the Ministry of the Interior has been operating since 2005 to combat human trafficking networks. It also implements and facilitates the State's cooperation at the bilateral, multilateral and regional levels.

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[6] CMW/C/MAR/1, para. 438.

38. The Ministry in Charge of Moroccans Living Abroad works with diplomatic and consular missions abroad on the issue of protecting the rights and interests of Moroccans living abroad, in particular those in difficult circumstances. A substantial number of Moroccans live abroad (officially estimated in 2011 to have reached 3,556,213), most in Europe.[7] According to the Ministry, some 300,000 Moroccans live in countries of Arab region; Moroccan women living in the Gulf region need particular assistance and protection, as a considerable number of them have become victims of trafficking, labour and sexual exploitation. The Ministry has developed a strategy to assist Moroccans living abroad, which includes promoting economic, social, cultural and educational measures, promoting their interests in host countries and in Morocco, monitoring the migratory movements of Moroccans, and negotiating bilateral and multilateral agreements to assist the Moroccan diaspora abroad. The Ministry receives and processes complaints on the violation of the rights of Moroccans living abroad. Between 2008 and 2012, it processed 8,696 complaints, of which some 20 related to trafficking cases submitted by the victims' families, in particular cases concerning young women who had been subjected to sexual exploitation and other forms of exploitations as domestic workers. The Ministry informed the Special Rapporteur that it had not received any complaint directly from victims of trafficking. Although the protection of victims of trafficking in persons is part of the overall policy of the Ministry, it does not have a mechanism dedicated to the protection of such victims.

39. The Labour Inspectorate works with civil society organizations to monitor the use of child work and labour exploitation, and possible trafficking in persons for such purposes. Representatives of the Labour Inspectorate informed the Special Rapporteur that labour inspectors had undergone specific training, including on human trafficking.

40. The Government informed the Special Rapporteur that it organized training for judicial and law enforcement officials on trafficking. Training and capacity-building activities are conducted in collaboration with bilateral and multilateral agencies. Several interlocutors however pointed out that Morocco lacked an integrated approach to capacity-building.

41. The National Human Rights Council, established in March 2011 as an independent and pluralistic national institution to replace the Consultative Council on Human Rights created in 1990, is responsible for all matters relating to the protection of human rights and freedoms. It monitors the implementation of national and international human rights standards, prepares reports and makes recommendations to the Government and its relevant institutions. The Council submits reports to the United Nations treaty bodies, and makes comments on bills relating to human rights. It receives individual complaints on alleged human rights violations, and makes recommendations to competent authorities with a view to addressing and redressing the violations. It also takes up cases of human rights violations on its own initiative.

42. According to the estimates made by the Ministry of Tourism, some 9 million tourists visit Morocco annually, and the number is expected to rise to 20 million by 2020. The Moroccan Committee of Responsible Tourism (Comité marocain du tourisme responsable), presided over by the Ministry of Tourism, adopted the Moroccan Charter of Responsible Tourism, in accordance with the Global Code of Ethics for Tourism adopted by the World Tourism Organization and validated by the General Assembly in December 2001.[8] The Charter contains important provisions on the protection and promotion of human rights in the tourism industry, and states that any form of exploitation, including sexual exploitation,

[7] Ibid., para. 30.

[8] General Assembly resolution 56/212.

especially of children, undermines the fundamental objectives of tourism and would be sanctioned.

D. Identification of trafficked persons

43. The potential scale of trafficking in persons appears to be underestimated and should be investigated further by the Government, the judiciary and law enforcement agencies. This situation is mainly due to the lack of adequate data collection mechanisms for determining the prevalence rate, forms, trends and manifestation of human trafficking in Morocco. The victims of trafficking are often either not identified or misidentified as smuggled and/or irregular migrants owing to the absence of appropriate tools and protocols for victim identification. The Ministry of the Interior estimated the number of irregular migrants in 2013 at between 6,000 and 10,000, while non-governmental organizations put the number as high as 15,000. Although Tangier is considered a major transit hub for irregular migration and trafficking in persons, local authorities and human rights institutions informed the Special Rapporteur that no case of trafficking had been identified in recent years. Once irregular migrants are intercepted by law enforcement agents, the police interview them to assess their situation.

44. According to the Government, the flow of irregular migrants had substantially decreased following the dismantlement by the law enforcement authorities of a significant number of smuggling networks. The Directorate-General of National Security and the Royal Gendarmerie dismantled 130 human trafficking and smuggling networks in 2009, 92 in 2010 and 108 in 2011.[9] The Royal Gendarmerie informed the Special Rapporteur that, between 2011 and 2012, the cases of irregular migrants decreased significantly. According to statistical data on irregular migration of foreign nationals between 2004 and 2011, the number of migrants arrested by the Directorate-General of National Security and the Royal Gendarmerie was 17,252 in 2004, 21,894 in 2005, 9,469 in 2006, 7,830 in 2007, 8,735 in 2008, 7,531 in 2009, 10,223 in 2010 and 12,929 in 2011.[9] According to a study on trafficking in persons conducted in 2009 by IOM in cooperation with the Ministry of Justice, there was a likely correlation between smuggling and trafficking networks, given that they are often the same, or closely interconnected.[10] The routes used by irregular migrants, including asylum seekers, are also used by criminal networks to traffic victims.

45. The Government has also taken a number of initiatives to raise awareness on irregular migration. According to the Ministry of the Interior, cases of irregular migrants are reviewed on an individual basis, and relevant authorities examine the possibility of integrating irregular migrants detained into society prior to taking a decision on deportation.

46. Both the Government and civil society organizations acknowledged that there was a strong need for technical cooperation and assistance on capacity-building for the identification of victims of trafficking. The focus of current anti-trafficking efforts has been on dismantling trafficking networks rather than the identification of victims. The police authorities informed the Special Rapporteur that, once the law or legislative amendments on trafficking in persons were adopted, the authorities would be able to train police officials on the identification of victims and to intensify its actions on victim identification. It was

[9] CMW/C/MAR/1, para. 438.

[10] IOM and the Ministry of Justice of Morocco, Traite transnationale des personnes: Etat des lieux et analyse des réponses au Maroc, 2009. Available from www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Traite_Transnationale_des_personnes_%20Etat_des_lieux_et_analyse_des_réponses_au_Maroc.pdf.

suggested that national and local authorities should deploy more resources on the identification of victims of trafficking. To ensure that trafficked persons are not re-victimized, the laws and procedures applied to cases of trafficking in persons should be different to those applied to cases of irregular migration.

E. Protection, recovery and reintegration of trafficked persons

47. The Special Rapporteur found that one major challenge was the lack of assistance and structures for victims of trafficking, and the absence of a legal framework for assisting trafficking victims. According to non-governmental organizations and international aid agencies, no shelters are available for trafficked persons in Morocco. Government-run shelters for women and child victims of violence lack financial and human resources, and no appropriate assistance is offered to victims of trafficking. There is currently no integration programme for irregular migrants, refugees and asylum seekers, who are not accorded a regular status and are therefore at a higher risk of being trafficked. Victims of trafficking are still regarded as irregular migrants.

48. In general, State and non-State women and child protection centres provide protection and support services to children and women victims of violence. There is also a toll-free telephone hotline for victims of violence run by non-governmental organizations, such as the National Watch of Children's Rights. Shelters and protection centres still remain in short supply. In 2006, the State established a national observatory of violence against women tasked with the coordination, monitoring, evaluating and strengthening of the implementation of national policies on combating all forms of violence against women.

49. The Ministry of Youth and Sport currently runs 20 child protection centres with the capacity of receiving 2,075 children; give of the centres are specifically for females, and can receive 580 persons. The child protection centres provide social, educational and health services to juveniles aged between 12 and 18 years, those subject to judicial measures according to the Code of Criminal Procedure, juveniles who are in conflict with law, and children in a difficult situation, and assist their reintegration into the society. Such centres can also shelter victims of trafficking and victims of violence and abuse, including sexual exploitation. The Special Rapporteur visited the Abdesian Bennani Centre for the protection of young girls in a difficult situation in Casablanca, which provides shelter for 78 children up to the age of 18 years, including infants. The Centre receives the children referred by courts. The Special Rapporteur noted that the work of the centre is important in terms of reducing the vulnerability of children to trafficking. She highlights, however, that there should be more centres established to meet the different needs of children, including victims of trafficking, with staff specialized in providing medical, psychological and sociological support for child victims. The Ministry of Youth and Sport informed the Special Rapporteur that the Ministry was making continuous efforts to improve the quality of care, education, schooling and training services provided by child protection centres.

50. The Special Rapporteur also visited a child protection shelter for homeless children run by the Bayti Association, in Casablanca. The Association runs two centres and provides educational services for 70 children aged between 5 and 18 years. While the Government provides a certain amount of funding, most of the funds originate from non-governmental sources. The centres do not have enough staff to provide homeless children with medical and psychological aid. In the past five years, the centre has taken in some 149 girls who had mostly been exploited as domestic workers. Some children hosted in the centre were victims of sexual exploitation.

51. The Special Rapporteur found that protection and assistance, as well as access to justice for victims of trafficking and irregular migrants, were very limited. Domestic

workers were, for example, outside the purview of the labour law, leaving women and girls, both nationals and foreigners, vulnerable to exploitation and abuse. The absence of adequate protection services dissuades trafficking victims from seeking help and exposes them to criminals who can act with impunity in the knowledge that their victims have no legal recourse or effective remedies. The Special Rapporteur received information about the case of a girl victim who, while trying to escape traffickers, was caught and physically assaulted. Reportedly, even after she went abroad, the staff members of the transit centres that helped her abroad were threatened by the traffickers.

52. In addition, there is no enabling legal framework to assist victims of trafficking, which makes civil society organizations hesitant to work with victims. No shelter is available for male victims of trafficking. Organizations willing to provide victims of trafficking with shelter, medical or legal assistance depend on informal contacts and networks to be able to do so. Furthermore, very limited alternatives to return to the country of origin are available, exposing victims to the risk of being re-trafficked.

53. Law 02-03 relating to the entry and stay of foreigners in Morocco provides for some measures of protection against deportation and/or expulsion for certain categories of persons, such as pregnant women and minors. Refugees and asylum seekers are protected under the law and may not be expelled or removed to a country if the applicant "shows that his or her life or freedom is threatened or that he or she is exposed to cruel, inhuman or degrading treatment". This provision may directly apply to the situation experienced by victims of trafficking; to benefit from this protection, however, victims must be officially identified as such. The Special Rapporteur was informed about the cases of trafficked persons who had been arrested, detained and deported for having overstayed in the country or prosecuted for prostitution, a criminal offence in Morocco. She is concerned at the absence of protection, recovery and reintegration services for victims of trafficking. It is especially difficult for male victims of trafficking because, unlike women, girls and boys, they receive no help from women and child protection centres.

54. According to the Ministry of the Interior, the measures taken by the relevant authorities focus on child labour, forced labour and sexual exploitation rather than trafficking in persons.

55. Civil society organizations in the northern regions of the country reported that they carried out activities on sensitization and provided irregular migrants with advisory services. They were not able to identify victims of trafficking because alleged victims were not willing to speak out owing mainly to their fear of reprisals or stigma.

F. Investigation, prosecution and punishment

56. The fact that the offence of trafficking in persons is not specified legally does not allow the formal identification of victims of trafficking. Without a specific legal framework, judicial and law enforcement agencies do not have a clear legal basis to be able to take the measures necessary for the investigation, prosecution and punishment of these crimes. The judicial authorities informed the Special Rapporteur that the enforcement of relevant provisions of the Penal Code relating to human trafficking posed significant challenges: for instance, it is difficult to arrest perpetrators of human trafficking once they have left the country, also owing to the lack of sufficient evidence because, in most cases, victims are reluctant to cooperate with law enforcement authorities.

57. Civil society interlocutors emphasized that the Migration Law of 2003 currently applied to trafficking victims is harsh and inappropriate for their situation. Potential witnesses must be encouraged to come forward. Given that they are often deterred by fear of detention and deportation, it was noted that the cessation of victim detention and

temporary regularization of status are two possible initiatives that may encourage cooperation in investigations and prosecutions, thereby reducing the current high degree of impunity enjoyed by exploiters.

58. According to the authorities, victims of trafficking and their witnesses are allowed to keep their privacy: for example, they may refuse to attend the court hearings on the grounds of privacy or protection concerns. According to information provided by civil society organizations, however, given their status as irregular migrants, victims are often told that they may not file complaints. Some interlocutors stated that, in addition, judges and prosecutors are often unaware of the possibilities available for dealing with trafficking cases under the existing penal code. Additional training is therefore necessary. Given the absence of any protection measures, individuals are very hesitant to risk filing a complaint, and rather prefer to return to their country of origin.

59. Concerns were expressed at the conditions in detention centres, including the lack of legal assistance available to migrant detainees during trials. It was reported that some irregular migrants, most from sub-Saharan Africa, had been subjected to physical violence by security and law enforcement officials when detained.[11]

G. Redress for victims

60. The Special Rapporteur observed that there were not many institutions offering effective remedies for trafficked persons, and that the Government had not established any protection centres or shelters for trafficked persons. Morocco has not taken adequate measures for building their capacity to address trafficking in persons and to provide victims of trafficking with assistance. The Special Rapporteur was informed that there was a significant shortage of financial and human resources. The police needs further training and capacity-building on trafficking. In this regard, the Office of the United Nations High Commissioner for Refugees (UNHCR) has organized training on trafficking persons for police officers.

61. The Special Rapporteur was informed that victims of trafficking are legally entitled to receive protection and health-care services. Civil society organizations may file a complaint on behalf of victims of human rights violations, including trafficking in persons. Given the absence of government-run protection or assistance centres for victims of trafficking, a few civil society organizations provide assistance to trafficked persons.

H. Repatriation and reintegration

62. The authorities acknowledged the importance of domesticating all the key components of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime through the proposed amendments to the Penal Code or the proposed national legislation on trafficking, and expressed their commitment to enforce such legislation. It was noted, however, that more financial resources were needed for the provision of shelters and for compensation to victims of trafficking. Relevant human rights institutions suggested that all remaining international legal instruments on the rights of

[11] Médecins Sans Frontières, "Violences, Vulnérabilité et Migration: Bloqués aux Portes de l'Europe. Un Rapport sur les Migrants Subsahariens en Situation Irrégulière au Maroc", 2013. Available from www.msf-azg.be/fr/publication/rapport-violences-vulnérabilité-et-migration-bloqués-aux-portes-de-l'europe.

migrants should be ratified and applied domestically, and that specific measures should be taken to assist the integration of irregular migrants.

63. Morocco has extradition agreements with a number of countries, in particular African countries. The General Prosecutor of the Cassation Court decides on extradition cases. Extraditions may also be carried out without extradition agreements.

64. IOM assists victims of trafficking with voluntary return if the individual wishes to return home and following a risk assessment, which is carried out prior to the return of the individual. It was reported that establishing contacts with victims' families in their countries of origin is often challenging, which puts the victims at risk of re-trafficking. For such cases, voluntary return is not possible, and alternative solutions are difficult to find, given the lack of prospects for integration in Morocco.

I. Prevention

65. According to the authorities, the efforts of relevant departments and agencies relating to trafficking in persons have been focused on preventive measures. The lack of opportunities for education and employment, and poverty, were cited as the main root causes of the increased vulnerability of youth to trafficking. The Ministry of Labour informed the Special Rapporteur that vulnerable groups in rural areas were targeted for initiatives to increase their employment and livelihood opportunities, for instance by providing subsidies for income-generating activities and vocational training. The local authorities in Tangier informed the Special Rapporteur that the prevention measures that they had taken focused on sensitization and awareness-raising activities, providing youth and women with more opportunities for basic and vocational education, and social protection centres, particularly for abandoned children, children from rural areas and from poor families aged between 12 and 18 years, in order to reduce their vulnerability to trafficking.

66. According to interlocutors, a national strategy on awareness-raising about the issues of trafficking in persons in partnership with grass-roots civil society actors should be adopted. The said campaigns and programmes should be conducted in schools, youth centres and relevant vocational training institutions, through audio and visual media, as well as in the press.

J. Cooperation and partnership

1. Cooperation with civil society

67. Civil society organizations play an important role in efforts to protect and promote human rights in general, and particularly those of migrants. According to the Ministry for Relations with Parliament and Civil Society, there are an estimated 70,000 associations working in all areas in Morocco, and hundreds of them work in human rights, women's rights, children's rights, the rights of persons with disabilities and the rights of persons living with HIV, among others.[12]

68. The contribution of and collaboration with civil society organizations are crucial in the fight against human trafficking. Civil society actors felt that they were not involved or consulted adequately in the development of legislative and policy changes on trafficking. Some pointed out that immediate steps had to be taken to establish the necessary legal

[12] CMW/C/MAR/1, para. 47.

framework and support for potential service providers and civil society organizations working on providing assistance, including counselling services to victims.

69. Civil society interlocutors also pointed out that the Government should involve civil society actors in the elaboration and evaluation of, and follow-up to, the necessary legal changes and policies on human trafficking, in accordance with article 13 of the Constitution, which stipulates that the Government should work to create consultative bodies in order to involve different social actors in the development, implementation and evaluation of public policies.

2. International, regional and bilateral cooperation

70. Morocco has entered into bilateral labour agreements with several sending countries. The State also cooperates with the Council of Europe and the European Union, mostly on combating irregular migration. Cooperation with the Council of Europe includes the sensitization of officials, experts and institutions, capacity-building and training, and the setting-up of government work programmes on irregular migration, including trafficking in persons. In June 2013, Morocco concluded a mobility partnership with the European Union, thus becoming the first country from the Mediterranean region to do so. The agreement provides for a number of initiatives aimed at ensuring the effective management of movement of persons, including the fight against smuggling of migrants and trafficking in human beings, and at providing victims with assistance, as well as establishing a national asylum and international protection system in Morocco.

71. At the regional level, Morocco has participated in the discussions on human trafficking within the Council of Arab Ministers of the Interior and of Justice. In 2006, Morocco hosted the First European Union-African Ministerial Conference on Migration and Development. The IOM Office in Morocco, in collaboration with other partner agencies, runs a whole range of capacity-building and training programmes, aimed at providing training for judges and prosecutors, police and gendarmerie, but also for civil society actors who provide services to victims of trafficking.

K. Dakhla, Western Sahara

72. During her visit to the city of Dakhla, Western Sahara, the Special Rapporteur met with different interlocutors and visited child and women protection centres. She was informed that Dakhla had been mainly used as a transit route for irregular migrants mainly from sub-Saharan African countries towards the northern region of the country and subsequently to Europe. According to the authorities, in 2013, 4,851 migrants transited through Dakhla, including some 800 irregular migrants. It was reported that irregular migrants sometimes risk their lives by coming by boat.

73. The authorities informed the Special Rapporteur that they had not yet received any complaint relating to trafficking cases, given that victims of trafficking are reluctant to come forward owing to their fear of reprisals. Irregular migrants detained by law enforcement officials had not been identified formally as victims of trafficking owing to lack of relevant laws and specific procedures on the identification of victims of trafficking. There were, however, cases of child labour, labour and sexual exploitation of migrants, especially women migrants. Civil society interlocutors reported on cases of prostitution and the sexual exploitation of migrant women and young girls, especially in fishing villages and on fishing boats. The Special Rapporteur was informed that irregular migrants have no social protection, accommodation and receive extremely low wages. She was also informed of the existence of organized prostitution and of cases of labour exploitation of disabled

women and children, who were used for begging in streets. The interlocutors from NGOs stated they needed more support in capacity-building.

74. Concerns therefore persist at the situation of irregular migrants and domestic workers, and with regard to child labour and sexual exploitation. The authorities acknowledged the need to enhance capacity-building to identify cases of trafficking in persons, to take further measures to reduce the vulnerability of potential victims of trafficking, and to ensure adequate protection for migrants and their families.

75. Dedicated centres provide medical and other support to women and child victims of violence. Dakhla hospital operates an inter-disciplinary centre (centre d'accueil multidisciplinaire), a medical, psychological and forensic care unit for women and child victims of violence that raises awareness about sexually transmitted diseases and offers free medical and counselling services. Since its establishment, the unit has received some 285 victims of violence. The services of the unit have now been extended to migrants. Many victims are referred by non-governmental organizations. The unit had not, however, received any identified victim of trafficking. The Special Rapporteur visited also a care unit for victims of violence established by the Court of First Instance, which takes in women and child victims of all forms of violence. The social worker employed by the unit refers victims to other external services, such as hospitals and general prosecutors, while the unit's lawyer helps victims with their cases. She also visited the social protection establishment Dar Taliba et Dar Talib, which shelters 48 orphans and abandoned children aged between 6 and 15 years.

III. Conclusions and recommendations

A. Conclusions

76. **Morocco has expressed its commitment and resolve to combat trafficking. The Government is in the process of adopting important legislative changes and policy measures to combat trafficking in persons in a comprehensive manner. The Special Rapporteur nonetheless remains concerned at the absence of specific legislation on trafficking, targeted policies and institutions to deal with trafficking, appropriate procedures for the identification of victims of trafficking and mechanisms for data collection. Such a situation makes it impossible to conduct proper investigation and prosecution of trafficking cases.**

77. **While Morocco has engaged actively in preventive measures, trafficked persons are not provided with adequate protection, assistance or support in their recovery process. Their right to compensation is not specifically recognized, and they are not given adequate information thereon nor the necessary support to exercise that right, such as legal aid.**

78. **The Special Rapporteur is also concerned that the Government has not engaged enough with civil society organizations, particularly with those who possess specialized expertise and could be important partners in the fight against trafficking. The lack of specific legislation on trafficking hinders the involvement and efforts of civil society organizations in assisting victims of trafficking.**

B. Recommendations

79. **On the basis of her findings, the Special Rapporteur makes the recommendations below.**

1. **Legal, policy and institutional framework**

80. **With regard to the national legal framework, Morocco needs to ensure full domestic application of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which requires the State to prevent and combat trafficking in persons. In this connection, the Special Rapporteur encourages the Government to accelerate the process of adopting the necessary amendments to the Penal Code, and subsequently enacting and implementing specific anti-trafficking legislation within a specified timeline. Furthermore, the scope of the existing legislation on labour should be extended to provide adequate protection to domestic workers.**

81. **With regard to policy responses to trafficking in persons, the Government should develop, in consultation with all stakeholders, including civil society organizations, a national plan of action that clearly identifies objectives, delineates responsibilities and sets out clear indicators to measure progress and the impact of policy responses.**

82. **To ensure effective implementation of anti-trafficking efforts, a national agency to coordinate anti-trafficking activities of governmental institutions should be established. The Government should also consider appointing a national rapporteur tasked with monitoring the implementation and the human rights impact of anti-trafficking legislation and policy responses.**

2. **Identification and protection of, and assistance to, victims of trafficking**

83. **A proper identification system should be put in place and be well resourced. This should include specific tools and protocols for identifying victims of trafficking and for training relevant law enforcement agencies, especially police, immigration and labour inspectors. Such training should enhance their capacity to identify trafficked persons quickly and accurately, and to make referrals to appropriate services. Furthermore, a clear distinction should be made between irregular migrants and victims of trafficking; different laws and procedures should apply to each category.**

84. **Given the absence of reliable data on trafficking, there is an urgent need to design a mechanism for the collection of data on cases of trafficking, as well as on the forms, trends and manifestations of trafficking. Such data are vital to the elaboration of informed policy responses to address trafficking in persons.**

85. **With regard to support services for victims of trafficking, the Government should make much greater efforts to protect and assist all victims of trafficking, including male victims, with full respect for their human rights and, incorporate a human rights-based approach to the investigation of trafficking cases.**

86. **Funding and resources to be used for assisting victims of trafficking should be increased, and programmes and institutions sponsored or supported by the State should be created and expanded to provide short and long-term victim care.**

87. **Any amendment or legislation on trafficking in persons to be adopted should have a human rights-based approach and include provisions for compensation and effective remedies for trafficked persons.**

88. **Existing labour laws should be extended to ensure adequate protection for the rights of domestic workers. Labour inspectors should be given the power to monitor the working conditions of domestic workers, who are often the most vulnerable to trafficking.**

3. Awareness-raising, training and capacity-building

89. Urgent action should be taken to sensitize and build capacity to adopt victim-centred responses to cases of trafficking in persons. The Government should step up its efforts to raise awareness also among the general public about all forms of trafficking in persons, to promote understanding of what constitutes trafficking.

90. Given that lawyers and practitioners lack adequate knowledge and expertise to apply international human rights laws and standards, there is a need to organize training on the application of international legal instruments.

4. Prevention, prosecution and punishment

91. The Government should increase its efforts to prosecute traffickers while guaranteeing fair trial rights consistent with a human rights-based approach to criminal justice, and to establish the necessary legal framework and procedures in order to ensure that victims and witnesses are protected. With regard to Moroccans living abroad, the Government should identify and implement effective judicial measures to protect Moroccan women who have become victims of prostitution networks abroad.

92. Penal reform should be undertaken, and victim and witness protection systems should be established. The said reform should be accompanied by amendments to the Penal Code and a wider legal framework that exempts trafficking victims from prostitution, illegal immigration and other related crimes committed as a direct result of the trafficking process.

93. Punishment and penalties for forced labour should be made more severe to dissuade traffickers who recruit for this purpose.

94. In addition to legal and policy actions to combat trafficking in persons, concurrent measures should be taken to address the root causes of the problem, including social exclusion, poverty, inequality and discrimination.

5. Cooperation and partnerships

95. The Government of Morocco should continue to maintain close cooperation with the relevant United Nations agencies and international organizations, including UNHCR and IOM, for the safe return of trafficked victims in their country, with due regard for the need, if applicable, of international protection of the victims. Further measures should be taken to ensure that victims of trafficking with international protection needs are properly identified and referred to the asylum system, when appropriate.

96. Morocco should continue to strengthen its partnership with source countries in all regions, including sub-Saharan Africa and South-East Asia, and extend cooperation for exchange of information and mutual legal assistance, and consider ratifying ILO Convention No. 189 on decent work for domestic workers.

97. Cooperation with international and bilateral agencies is important, also to facilitate the provision of shelters and compensation to victims of trafficking. Also, the feasibility of using the receipts of money laundering or assets seized from trafficking perpetrators should be explored to raise more financial resources for victim assistance.

98. The contribution of and collaboration with civil society organizations are crucial in the fight against human trafficking. In this regard, immediate steps should be taken to establish the necessary legal framework and support for civil society

organizations working on providing assistance, including counselling services to victims. Civil society organizations and victim support agencies should be enabled to work in all regions of the country.

99. **With regard to Dakhla, Western Sahara, the Special Rapporteur recommends that the authorities:**

(a) Take concrete measures to improve the situation of irregular migrants and domestic workers, and address the issues of child labour and the sexual exploitation of women and children;

(b) Enhance their capacity-building to identify cases of trafficking in persons, take further measures to reduce vulnerability of potential victims of trafficking and ensure adequate protection of migrants and their families.